

**Private Admonition -- Board Case No. 102, 1996. Date of Sanction: August 27, 1998.** A Delaware lawyer ("Lawyer") accepted a private admonition from the Preliminary Review Committee of the Board on Professional Responsibility for violation of Rules 1.7(a), 1.7(b) and 1.15(a) of the Delaware Lawyers' Rules of Professional Conduct.

Lawyer represented husband and wife in several legal matters. After husband filed for divorce, Lawyer prepared a new will for wife that excluded husband as beneficiary. Lawyer failed to obtain the consent of both clients to this representation.

Lawyer also permitted wife to name Lawyer as a fiduciary of her estate without disclosing Lawyer's personal financial interest in serving as fiduciary. After wife died, Lawyer failed to provide for the safeguarding of documents conveying certain property.

Rule 1.7(a) states that a lawyer "shall not represent a client if the representation of that client will be directly adverse to another client unless: (1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and (2) each client consents after consultation." Lawyer violated Rule 1.7(a) by representing wife in a matter directly adverse to another client, husband, without consent after consultation by both clients.

Rule 1.7(b) states that a lawyer "shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or ... by the lawyer's own interests, unless: (1) the lawyer reasonably believes the representation will not be adversely affected; and (2) the client consents after consultation." Lawyer violated Rule 1.7(b) by representing wife in preparing her new will without disclosing Lawyer's personal financial interests in serving as fiduciary of her estate. Rule 1.15(a) states that property of clients that is in a lawyer's possession in connection with a representation shall be kept separate and "appropriately safeguarded." Lawyer violated Rule 1.15(a) by failing to appropriately safeguard testamentary documents that came into Lawyer's possession.